

Nos. 24-1751 and 24-1805

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In the  
United States Court of Appeals  
for the Federal Circuit

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APPLIED PREDICTIVE TECHNOLOGIES, INC.,

*Plaintiff-Appellant,*

v.

MARKETDIAL, INC., JOHN M. STODDARD, aka Johnny Stoddard, MORGAN  
DAVIS

*Defendants-Cross-Appellants.*

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On Appeal from the United States District Court for the District of Utah in  
No. 2:19-cv-00796-JNP

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**STIPULATION OF DISMISSAL PURSUANT TO FED. R. APP. P. 42(b)**

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September 26, 2024

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Pursuant to Fed. R. App. P. 42(b), Plaintiff-Appellant Applied Predictive Technologies, Inc. (“Appellant”) and Defendants-Cross-Appellants MarketDial, Inc., John M. Stoddard, and Morgan Davis (“Cross-Appellants”) agree to dismiss Case No. 24-1805, the cross-appeal filed by Cross-Appellants, with prejudice.

The parties further agree that the remaining briefing and deadlines associated with the cross-appeal, which are currently contemplated by the Court’s Order on June 11, 2024 (ECF 20), are no longer necessary and that Appellant’s reply brief, due on November 4, 2024, will be the final brief filed in this appeal and will be limited to 7,000 words consistent with Fed. Cir. R. 32(b)(1).

Each party will bear its own costs and fees with respect to Case No. 24-1805. The parties agree only to dismiss Case No. 24-1805 and do not seek to dismiss Case No. 24-1751, the lead appeal in this matter.

Cross-Appellants consent to the filing of this paper by Appellant, and Cross-Appellants’ counsel consents to the insertion of their signature below.

Dated: September 26, 2024

By:

/s/ David B. Goroff

David B. Goroff

*Counsel for Plaintiff-Appellant  
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/s/ Keith A. Call

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